

Travis Cox

v

City of Omaha

Omaha Police Department

Officer Charles Sweeney

Officer Joseph Salerno

Civil Action No. 8:23cv241

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2023 JUN -5 PM 12:01
OFFICE OF THE CLERK

COMPLAINT FOR CIVIL CASE

Plaintiff Travis Cox 3479840 710 S 17th Street Omaha, NE 68102

Defendants City of Omaha 1819 Farnam St, Suite LC-1
Omaha NE 68183

Omaha Police Department 505 S 15th Street
Officer Sweeney Omaha NE 68102
Officer Salerno

I. Jurisdiction and Venue

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of the law, of the rights secured by the Constitution of the United States. The court has Jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3). Plaintiff Cox seeks compensatory damages as well as declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. The plaintiff, Cox, claims for injunctive relief are authorized by 28 U.S.C. Sections 2283 and 2284 and Rule 65 of the Rules of Civil Procedure.

The District of Nebraska is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to the claim occurred.

II. Plaintiff

The Plaintiff was a parolee under custody of the Nebraska Department of Corrections, until placed under arrest at which point he also became a pretrial detainee at Douglas County Department of Corrections

III. Defendants

The Omaha Police Department, is a public office/entity of The City of Omaha, that employs officer Joseph Salerno and officer Charles Sweeney. Therefore as Police Officers employed by the Omaha Police Department acting as representatives of the City of Omaha were acting under color of the Law.

Each Defendant is sued individually and in their official capacity as well. At all times in this complaint all defendants were working as City Employees for the Omaha Police Department and acted under the color of the law as such.

IV. Facts, Statement of Claim

On February 17th, 2023 the plaintiff was arrested by the defendants Joseph Salerno and Charles Sweeney. After the plaintiff was placed into the cruiser and was told he was under arrest the two officers took from the plaintiff his house keys. The two officers then gave them without asking to Kari Peterson. This constitutes an actionable violation of the IV amendment against illegal search and seizure. The Omaha Police Department and the officers thereof

IV. Facts, Statement of Claim (cont.)

at no time had permission to give any personal belongings to Kari Peterson. At no point did Omaha Police Department or it's officers ask for permission to do so AND at no point made the plaintiff aware of his miranda rights. The officers were in fact acting on a warrant, obtained by the plaintiff's Parole Officer, which obtained by false statements and production of false documents. This matter is already being addressed in CI23-1107 and Civil Action 8:23cv202. Kari Peterson then proceeded to empty the plaintiff's apartment, which included the title and Keys to a 2007 Ford Taurus owned by the plaintiff, leaving the state with said automobile and belongings. These actions were only made possible by the illegal seizure of the plaintiff's house keys which were then given by the Omaha Police to Kari Peterson.

V. Prayer for Relief

Wherefore, the Plaintiff respectfully pray this court enter judgement granting Plaintiff Cox a declaration that the acts described herein violate his rights under the Constitution of / Laws of the United States of America, and a preliminary and permanent injunction ordering all

V. Prayer for Relief (cont.)

Defendants to cease any and all such actions in the future. The plaintiff also seeks compensatory damages in the amount of \$25,000.00 against each defendant jointly as well as severally. This being the cost of all belongings, automobile, Identity, as birth certificate and all banking/credit information is now missing as well, and the damage done to the apartment of the plaintiff. The plaintiff also seeks recovery of their costs of this suit. The plaintiff seeks trial by jury with regard to all issues triable by Jury, along with any additional benefits/relief this court deems just proper and equitable.

Dated 6-1-23

Respectfully Submitted, Travis Cox

#3479840

710 S 17th Street

Omaha NE 68102

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except with respect to matters alleged on information and belief and, as to those, I believe them to be true and correct.

Executed at Omaha, NE June 1st 2023

x Travis Cox

Travis Cox 3479840

Witnessed by x Oran Phillips

Oran Phillips

1359-144

6-1-23

Respected Clerk of the Court

I have included a complaint and affidavit to proceed in forma pauperis with the short form application. I still have not been allowed a account printout from Douglas County Corrections Staff. I have asked several times and filed a grievance. Staff states they do not offer any account summary certification and refuse to allow me one. I offered to pay for them and still I'm denied. I have included a motion to produce these documents from DCDC.

I also included a amended complaint in 8:23cv202. The complaint needed a party added. Please acknowledge receipt of papers as well as notify me of any other necessary papers

Respectfully
JCS

Travis Cox

Printed Name

(3479840) (F)

Data # Module #

Douglas County

DEPARTMENT OF CORRECTIONS

710 SOUTH 17TH STREET

OMAHA, NEBRASKA 68102

Legal Mail



Office of the Clerk
U.S. District Court
Roman L. HRUSKA U.S. Courthouse
111 S 18th Plaza, Suite 1152
Omaha NE 68102-1322

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U.S. DISTRICT COURT

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